

REMARKS

The Office Action dated October 18, 2004 has been carefully reviewed. Claims 1-28 are pending in this patent application. By this amendment, claims 1, 13, and 16 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Amendment to Abstract

The Abstract has been amended in accord with the Examiner's suggestion.

Allowable Subject Matter

Claims 3, 8, and 22 were objected to as being dependent upon a rejected base claim, but it was indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Such rewriting has not been done because it is believed that the respective claim from which each of claims 3, 8, and 22 depends is itself allowable.

35 U.S.C. § 102 Rejection

Claims 1-2, 4-5, 7, 9-21, 23, and 25-28 were rejected under 35 U.S.C. § 102 as being anticipated by Bahler (U.S. Patent No. 5,395,401). Claims 1, 13, and 16 have been amended to more clearly define the invention.

Reconsideration of claims 1-2, 4-5, 7, 9-21, 23, and 25-28, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 1

Amended Claim 1

Claim 1, as amended, recites the following limitations:

wherein no relative movement occurs between said stem and said first bearing surface and said second bearing surface during sliding of said stabilizing post within said channel of said meniscal component.

Bahler does not disclose this limitation. This can be plainly seen in Fig. 21 of Bahler. In particular, during sliding of Bahler's stabilizing element 2136 within the channel of the meniscal part 2113, relative movement does occur between the rotation pin 33 and the first and second bearing surfaces 2121. It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Bahler does not disclose each and every element of Applicant's amended claim 1, Bahler does not anticipate Applicant's amended claim 1.

It should be appreciated that Applicant's invention provides substantial advantages over prior art devices such as those disclosed in Bahler. For example, the Bahler type devices include a sliding meniscal part (e.g. part 2113 of Fig. 21) that moves backward and forward (i.e. anteriorly and posteriorly) in a manner that tends to impinge significantly on soft tissue surrounding the knee joint thereby causing trauma to this tissue. In contrast, Applicant's invention provides only a small moving part (i.e. stabilizing post 18 of Fig. 1) that does not

impinge on the soft tissue. Moreover, while the meniscal part does move, such movement is limited to rotational movement which is non traumatic on the adjacent soft tissue of the knee.

Discussion Regarding Patentability of Claims 2, 4-5, 7, 9-12

Each of claims 2, 4-5, 7, 9-12 depends directly or indirectly from amended claim 1. As a result, each of claims 2, 4-5, 7, 9-12 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 1.

Discussion Regarding Patentability of Claim 13

The discussion relating to the patentability of amended claim 1 is relevant to the patentability of amended claim 13. Thus, amended claim 13 is believed to be allowable.

Discussion Regarding Patentability of Claims 14-15

Each of claims 14-15 depends directly from amended claim 13. As a result, each of claims 14-15 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 13.

Discussion Regarding Patentability of Claim 16

The discussion relating to the patentability of amended claim 1 is relevant to the patentability of amended claim 16. Thus, amended claim 16 is believed to be allowable.

Discussion Regarding Patentability of Claims 17-21, 23, 25-28

Each of claims 17-21, 23, 25-28 depends directly or indirectly from amended claim 16. As a result, each of claims 17-21, 23, 25-28 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 16.

35 U.S.C. § 103 Rejection

Claims 6 and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over Bahler (U.S. Patent No. 5,395,401). Reconsideration of claims 6 and 24 is respectfully requested.

Discussion Regarding Patentability of Claim 6

Claim 6 depends indirectly from amended claim 1. As a result, claim 6 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 1.

Discussion Regarding Patentability of Claim 24

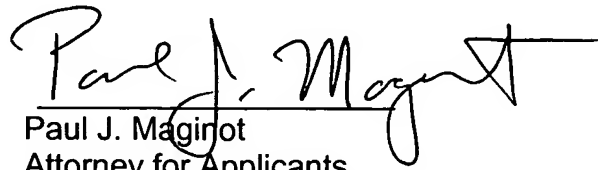
Claim 24 depends indirectly from amended claim 16. As a result, claim 24 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 16.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK

A handwritten signature in black ink, appearing to read "Paul J. Maginot", with a long horizontal flourish extending to the right.

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